



MICHAEL A. CARDOZO
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

CURT BECK
Special Assistant Corporation Counsel
E-mail: cbeck@law.nyc.gov
Phone: (212) 676-1395
Fax: (212) 788-9776

January 31, 2012

VIA ECF

The Honorable Marilyn D. Go
United States Magistrate Judge
Eastern District of New York
United States Courthouse
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Alford Douglas v. City of New York, et al., 11 Civ. 0622 (ERK) (MDG)

Dear Judge Go:

As Your Honor knows, I represent the defendants in the captioned case. I write pursuant to Your Honor's January 8, 2012 ECF'ed instructions to the parties to apprise the Court of the status of this case. I have attempted to confer with Mr. Mosaku, however he hung up on me in the middle of our conversation.

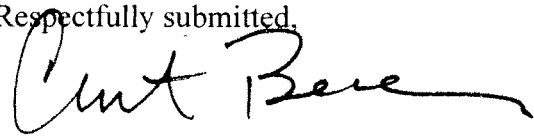
As you know, on January 8, 2012, Your Honor ordered plaintiff, for the fourth time, to produce by January 24, 2012 plaintiff's Certificate of Authority. Instead of complying with Your Honor's Order, Mr. Mosaku decided to ignore it yet again, writing in what he styled a "Supplemental Objection" to Defendants' Document Requests that "*plaintiff has misplaced said document. [sic] and is continuing to conduct a search for said document.*"¹

On January 25, 2012 Defendants moved for the Preclusion Order (and financial sanctions) that your Honor promised on January 8th would be forthcoming. See Docket Entry 23. Defendants' motion is currently *sub judice*.

¹ Defendants note that Mr. Wale Mosaku's purported excuse is pure nonsense -- Mr. Mosaku was informed by both Your Honor and myself at the last in-person Court conference that all he had to do to obtain this document was to call the New York State Division of Taxation and Finance and request a copy.

Defendants will be filing, either tomorrow or in any event no later than February 2, 2012, their *fully dispositive motion* to dismiss the Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(6). Once that motion is filed, defendants intend to respectfully request that Your Honor stay all discovery, because, as the motion will demonstrate, under the circumstances of this case, plaintiff simply neither has a claim, nor could have a claim, and any further discovery in this case would be an utter waste of everyone's scarce resources and time.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Curt Beck", with a long horizontal flourish extending to the right.

Curt Beck

CPB/hs

c: Wale Mosaku, Esq. (via ECF only)